

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

D.V.D.; M.M.; E.F.D.; and O.C.G.,

Plaintiffs,

v.

U.S. DEPARTMENT OF HOMELAND SECURITY; Kristi NOEM, Secretary, U.S. Department of Homeland Security, in her official capacity; Pamela BONDI, U.S. Attorney General, in her official capacity; and Antone MONIZ, Superintendent, Plymouth County Correctional Facility, in his official capacity,

Defendants.

Civil Action No. 25-cv-10676-BEM

**[PROPOSED] ORDER
GRANTING PLAINTIFFS'
MOTION FOR PARTIAL
SUMMARY JUDGMENT**

THIS MATTER comes before the Court on Plaintiffs' Motion for Partial Summary Judgment on Count I (5 U.S.C. § 706(2)(A), (C)), Count III (Fifth Amendment Due Process Clause, 5 U.S.C. § 706(2)(D)), and Count IV (Declaratory Judgment Act) of the Complaint. Having considered the motion, memorandum of law, exhibits in support thereof, the parties' briefing, the Complaint, the Court's prior rulings, and the applicable law, the Court DECLARES and ORDERS as follows:

1. Plaintiffs' Motion for Partial Summary Judgment is GRANTED;
2. Pursuant to Federal Rule of Civil Procedure 54(b), final judgment is ENTERED as to Counts I, III, and IV;
3. The Court DECLARES that § 1231(b) requires Defendants to first seek removal of class members to the designated country of removal (or alternative country of removal) and holds unlawful and SETS ASIDE Defendants' policy and practice as inconsistent with that statutory mandate;

4. This Court DECLARES that class members have rights to meaningful notice and holds unlawful and SETS ASIDE Defendants' policy and practice of failing to provide such notice;
5. The Court DECLARES that class members have rights to a meaningful opportunity to raise a protection claim before any third-country removal and SETS ASIDE Defendants' policy and practice of failing to provide such an opportunity; and
6. The Court DECLARES Defendants' third-country removal policy—embodied in the Department of Homeland Security's March 30, 2025 memorandum entitled "Guidance Regarding Third Country Removals" and U.S. Immigration and Custom Enforcement's July 9, 2025 guidance entitled "Third Country Removals Following the Supreme Court's Order in *Department of Homeland Security v. D.V.D.*, No. 24A1153 (U.S. June 23, 2025)"—is unlawful and SETS ASIDE the policy.

It is so ORDERED.

DATED this ____ day of _____ 2025.

U.S. DISTRICT JUDGE BRIAN E. MURPHY